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BEFORE THE ARIZONA CORPORATION C

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Arizona Corporation Commission

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**COMMISSIONERS**

MIKE GLEASON, Chairman  
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JEFF HATCH-MILLER  
KRISTIN K. MAYES  
GARY PIERCE

2008 NOV 12 P 4: 29

AZ CORP COMMISSION  
DOCKET CONTROL

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IN THE MATTER OF THE APPLICATION OF  
DIECA COMMUNICATIONS DBA COVAD  
COMMUNICATIONS COMPANY,  
ESCHELON TELECOM OF ARIZONA, INC.,  
MCLEODUSA TELECOMMUNICATIONS  
SERVICES, INC., MOUNTAIN  
TELECOMMUNICATIONS, INC. XO  
COMMUNICATIONS SERVICES, INC. AND  
QWEST CORPORATION REQUEST FOR  
COMMISSION PROCESS TO ADDRESS KEY  
UNE ISSUES ARISING FROM TRIENNIAL  
REVIEW REMAN ORDER, INCLUDING  
APPROVAL OF QWEST WIRE CENTER  
LISTS.

DOCKET NO. T-03632A-06-0091  
T-03406A-06-0091  
T-03267A-06-0091  
T-03432A-06-0091  
T-04302A-06-0091  
T-01051B-06-0091

**STAFF'S COMMENTS ON QWEST'S 2007  
AND 2008 PROPOSED ADDITIONS TO  
NON-IMPAIRED WIRE CENTER  
DESIGNATIONS**

**I. INTRODUCTION.**

On February 4, 2005, the Federal Communications Commission ("FCC") issued its Order on Remand in *In the Matter of Unbundled Access to Network Elements, Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*.<sup>1</sup> On February 15, 2006, DIECA Communications, Inc., doing business as Covad Communications Company ("Covad"), Mountain Telecommunications, Inc. ("MTI"), Eschelon Telecom of Arizona, Inc., ("Eschelon"), McLeodUSA Telecommunications Services, Inc. ("McLeod"), and XO Communications Services, Inc. ("XO")(collectively "Joint CLECs") filed a request with the Arizona Corporation Commission ("Commission") to approve an initial list of non-impaired wire centers for Qwest in Arizona, and to implement a process for updating and approving the lists in the future. On June 22, 2007, the Joint CLECs and Qwest filed a Joint Motion for Approval of Settlement Agreement. The proposed Settlement Agreement set forth the initial list of non-impaired wire centers and also the process for updating and approving such lists in the future. On May 16, 2008, the Commission approved the Settlement Agreement in Decision No. 70355 with certain conditions.

<sup>1</sup> 20 FCC Rcd. 2533 (2005) ("Triennial Review Remand Order" or "TRRO")

Following are Staff's comments on Qwest's application for approval of its 2007 and 2008 additions to its non-impaired wire center list.

## **II. QWEST PROPOSED NON-IMPAIRED WIRE CENTER ADDITIONS.**

On June 22, 2007, Qwest Corporation ("Qwest") filed an application for approval of 2007 additions to non-impaired wire center list. The 2007 additions included (1) Chandler Main (Tier 2) (DS3 Transport and DF); (2) Chandler West (Tier 2) (DS3 Transport and DF); (3) Phoenix Cactus (Tier 2) (DS3 Transport and DF); (4) Phoenix Greenway (Tier 2) (DS3 Transport and DF); (5) Phoenix Southeast (Tier 1) (DS1 and DS3 Transport and DF); (6) Phoenix Sunnyslope (Tier 2) (DS3 Transport and DF); Phoenix West (Tier 2) (DS3 Transport and DF) and Superstition West (Tier 2) (DS3 Transport and DF).

On July 17, 2008, Qwest filed an application for approval of 2008 additions to non-impaired wire center list. The 2008 additions included: (1) Gilbert (Tier 2) (DS3 Transport and DF); (2) Deer Valley North (Tier 1) (DS1 and DS3 Transport and DF); and (3) Phoenix Southeast (Tier 1) (DS1 and DS3 Transport and DF).

## **III. CLEC OBJECTIONS.**

Pursuant to the Commission's August 25, 2008, Procedural Order, the Competitive Local Exchange Carriers ("CLECs") were given until October 27, 2008 to file objections to Qwest's designation.

On October 27, 2008, the Joint CLECs objected to the addition of the Superstition West wire center in Qwest's 2007 filing, and the Gilbert wire center in Qwest's 2008 filing.

## **IV. STAFF COMMENTS.**

First, Staff finds that the methodology used by Qwest for selecting the 2007 and 2008 non-impaired wire center additions is in compliance with Section V of the Settlement Agreement.

However, since Staff is unable to obtain ARMIS data at the wire center level from data filed by Qwest at the FCC, Staff compared the Business Lines for the 2007 wire center and the 2008 wire center additions against data provided by Qwest in conjunction with its Forbearance petition filed with the FCC (WC Docket No. 07-97), and found the differences to be reasonable and, most

1 importantly, immaterial to a decision in this matter. Nonetheless, Staff is in the process of obtaining  
2 additional information to confirm the data provided by Qwest.

3 Third, Staff notes that one wire center, Phoenix Southeast, was included in both the 2007 and  
4 2008 wire center additions. When Qwest filed the 2007 wire center additions, it listed 4 fiber-based  
5 collocators for Phoenix Southeast which included Electric Lightwave and Mountain Telephone. The  
6 Integra acquisition of Eschelon was approved by the Commission in Decision No. 67707 dated July  
7 18, 2007. Thereafter, ELI and MTI (owned by Eschelon) became affiliates, so they would be counted  
8 as one collocator. The reduction from 4 to 3 fiber-based collocators results in the designation change  
9 from Tier 1 to Tier 2 for the 2007 wire center additions. However, in its June 17, 2008 filing for  
10 2008 wire-center additions, Qwest added AT&T/TCG as a fiber-based collocator and asked for DS1  
11 and DS3 transport (Tier 1) designation for Phoenix Southeast. For the 2008 wire center additions,  
12 therefore, Phoenix Southeast can be upgraded to a Tier 1 designation.

13 Finally, with respect to the CLEC objections, Staff believes that the objection to the Gilbert  
14 wire center may have been resolved. This understanding is based on direct discussion and email  
15 communications with the CLECs and Qwest. Staff learned through informal discussions with the  
16 CLECs that the objection to the Gilbert wire center by the CLECs was based on two pages of  
17 identical information with labels that referenced different time periods, December 2006 and  
18 December 2007. Qwest has confirmed with the Staff that the Gilbert wire center data was as of  
19 December 2007. Staff is in the process of confirming with the CLECs that their issues with respect to  
20 the Gilbert wire center have been resolved.

21 With respect to the Superstition West wire center, Staff does not have complete information  
22 regarding the basis for the Joint CLEC's objection and thus cannot offer any comment at this time on  
23 the merits of this issue. Staff is in the process of clarifying the objection regarding the Superstition  
24 West wire center through data requests with the CLECs.

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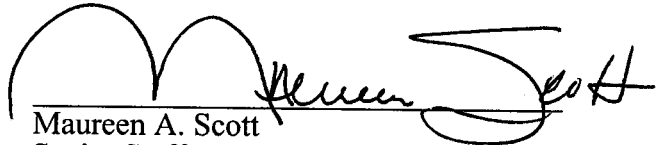
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1 **IV. CONCLUSION.**

2 Staff has no reason at this time to dispute the proposed wire center reclassifications by Qwest  
3 in its 2007 and 2008 filings, however, Staff is in the process of confirming the data supplied by  
4 Qwest and obtaining additional information from the CLECs. The Hearing Division should schedule  
5 a procedural conference to discuss a process for resolving the Joint CLECs objections.

6 RESPECTFULLY SUBMITTED this 12<sup>th</sup> day of November 2008.

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9

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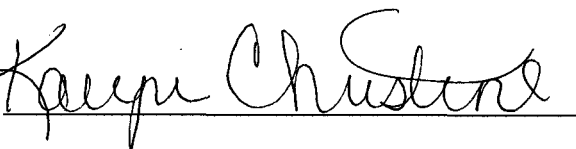
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